



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,325	04/13/2001	Craig S.K. Clapp	SDAC-P01-072	5531
29855	7590	09/07/2005	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			ENG, GEORGE	
		ART UNIT	PAPER NUMBER	
		2643		
DATE MAILED: 09/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	09/834,325	CLAPP ET AL.	
<b>Examiner</b> George Eng	Examiner	Art Unit	
	2643		
<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<b>THE REPLY FILED 02 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</b>			
<b>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</b>			
<b>a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection.</b>			
<b>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than <u>SIX MONTHS</u> from the mailing date of the final rejection.</b>			
<b>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</b>			
<b>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</b>			
<b><u>NOTICE OF APPEAL</u></b>			
<b>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</b>			
<b><u>AMENDMENTS</u></b>			
<b>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, <u>will not</u> be entered because</b>			
<b>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</b>			
<b>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</b>			
<b>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</b>			
<b>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</b>			
<b>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</b>			
<b>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</b>			
<b>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</b>			
<b>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</b>			
<b>7. <input type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> <u>will not</u> be entered, or b) <input type="checkbox"/> <u>will</u> be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</b>			
<b>The status of the claim(s) is (or will be) as follows:</b>			
<b>Claim(s) allowed: _____.</b>			
<b>Claim(s) objected to: _____.</b>			
<b>Claim(s) rejected: _____.</b>			
<b>Claim(s) withdrawn from consideration: _____.</b>			
<b><u>AFFIDAVIT OR OTHER EVIDENCE</u></b>			
<b>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal <u>will not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</b>			
<b>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, <u>will not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</b>			
<b>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</b>			
<b><u>REQUEST FOR RECONSIDERATION/OTHER</u></b>			
<b>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>see attachment</u>.</b>			
<b>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.</b>			
<b>13. <input type="checkbox"/> Other: _____.</b>			
 George Eng Primary Examiner Art Unit: 2643			

***Response to Arguments***

1. Applicant's arguments filed 8/2/2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., making a camera adapter be a part of the main unit) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Smith clearly teaches the to integrate a hinged connector (33, figure 6) as part of portable computer (31, figure 6), wherein the hinged connector operates as a camera adapter to removably receive a camera unit that provides audio and video signals to the main unit through the hinged connector (col. 4 line 37 through col. 5 line 5). Thus, Smith can be properly combined with Ludwig and Hildin.

In response to applicant's argument that there is no suggestion in Hildin that such a system can be implemented into a handheld digital camera by modifying the teaching in Smith, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined

teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Ludwig, Smith and Hildin are all in the same field of endeavor, i.e., a video conferencing system, and Hildin clearly teaches to generate control signals to control at least one of the direction or zoom the camera unit in response to the audio signals (col. 4 liens 43-64) in order to make user friendly and enhance the video conferencing system in automatically operating the camera to track an active speaker during communication. Thus, the combination of Ludwig, Smith and Hildin are proper.